

FEDERAL COURT OF CANADA

B E T W E E N:

KEN FERANCE AND PEGGY WALSH CRAIG

Applicants

-and-

**ATTORNEY GENERAL OF CANADA, MARC MAYRAND (CHIEF ELECTORAL
OFFICER), DIANNE JAMES MALLORY (RETURNING OFFICER FOR NIPISSING-
TIMISKAMING), JAY ASPIN, SCOTT EDWARD DALEY, RONA ECKERT, ANTHONY
ROTA**

Respondents

**AFFIDAVIT OF ANNETTE DESGAGNE
(sworn April 13, 2012)**

I, Annette Desgagne, of the City of Thunder Bay, in the Province of Ontario, MAKE
OATH AND SAY AS FOLLOWS:

1. I was formerly an employee of Responsive Marketing Group Inc. ("RMG") where I worked as a telephone caller from the Thunder Bay calling centre of RMG, prior to the federal election in May 2011, and as such have knowledge of the matters to which I hereinafter depose.
2. I had worked for RMG as a telephone caller prior to 2011. In 2011, I was asked by RMG to work for them again in the federal election, calling on behalf of the Conservative Party of Canada.
3. About 3 weeks before the federal election date, I went to work for RMG.

4. My work station would be a cubicle which was equipped with a telephone headset or I could bring my own head set (which I did) and a computer monitor, keyboard and mouse. When an automatic dialling system made contact with an individual ("the listener"), I would be connected to that listener by telephone. I would then read the script displayed on the computer screen in front of me to the listener.

5. There were about 30 to 40 people doing similar calls in the same work area where I was stationed in Thunder Bay. The supervisors would either walk up and down the spaces between our cubicles or sit off to the side. All of them were equipped with headsets with which they could monitor our calls. It was my understanding that RMG had call centres located elsewhere. The hours of operation were 7 days per week, starting from about 9 am Eastern Standard time to 9 pm Eastern Standard time (Sundays until 6 pm).

6. The listeners I spoke with could be located anywhere in Canada. The screen would provide me with the information like the following: "Hello. My name is Annette Desgagne. I am calling on behalf of XX (I would name the Conservative candidate in the riding that I was calling) and the Voter Outreach Centre of the Conservative Party of Canada. We are doing a short survey that will take a few minutes to complete. Would you be prepared to answer my questions?..." I would then ask if they were considering a vote for the Conservative candidate. If the answer was yes, I would input that answer and the call progressed, with me asking questions such as whether the listener would agree to a lawn sign on their property, or whether they needed a ride to vote. If the listener would not identify their voting preference, or stated they were voting Liberal or NDP, I would record that information, but have no more questions.

7. These voter identification calls would often occur in groups to the same constituency.

8. About 3 days before election day, the script changed in a manner that was noticeable to me. When a new script was being implemented, we would have to specifically log off and log back into the system. This time, the scripts we were to read to the listeners concerned changes to the locations of their polling stations. The new scripts we were to read did not identify that we were calling on behalf of the Conservative Party nor did we mention the local Conservative candidate.

9. The new script, as far as I can recall, was as follows: “Hello. My name is Annette Desgagne. I am calling from the Voter Outreach Centre. Elections Canada has made some last minute changes to the polling stations. Do you have your voter ID card handy?” The listener would either retrieve their voter ID card that they received in the mail, or some would just tell me to give them the new address. I would then give them the new address indicated on my monitor for the polling station I indicated they were supposed to vote at. (“Change of Address Calls”)

10. I started to become concerned about the Change of Address Calls, because several of the listeners with whom I spoke, questioned me about the new polling location I was providing. For example, I recall one woman in Winnipeg telling me that the address I just gave her was over an hour away. I tried to problem solve this over the phone with her for a few minutes, but she was sure the new address was wrong. There was a phone number at the bottom of the screen in front of me that I was to give people if they had further questions. That lady said she had called that number but that it was not a correct number.

11. I also recall a conversation with one woman who said she lived in a senior citizen home. When I gave her the new address for her polling station, she told me it must be wrong because she had always voted in the lobby of her senior citizen home. She said she thought I was wrong and should check my information.

12. Some listeners did not question me. Some just took down the information that I gave to them over the phone as to the new address for their polling station.

13. As these calls grew in number I became increasingly concerned that I was giving out incorrect information to voters. I heard other callers around me, at RMG, also raising concerns because they were getting similar complaints from listeners they had called. It became the topic of conversation between callers during the breaks. I raised my concerns with the floor supervisor, Stephanie. I later saw Stephanie and at least two other supervisors, chatting together. Then, the supervisors told all of the callers to “just stick to the scripts.” There was a general feeling of confusion amongst the callers as the supervisors walked the floor and repeated “stick to the script”. I specifically recall telling Stephanie, “I think we are sending people to the wrong

places.” Our concerns were ignored and we had to keep reading and repeating the same scripts about changes of address for polling stations made by Elections Canada.

14. Next to me, I also saw/heard one other caller reading from the screen and talking on the phone. He said to the listener, “I am calling from Elections Canada...” RMG had given us permission to “make scripts our own” but I specifically recall saying to him that, “Dude, you are not from Elections Canada.” He ignored me.

15. Many callers were still indicating during our breaks that listeners were telling them the change of address information we were giving was wrong.

16. I specifically recall that I made Change of Address Calls and talked to people in Winnipeg about changes to polling station addresses there.

17. I also specifically recall that I made Change of Address Calls and talked to people in the riding of Nipissing-Timiskaming about changes of address for their polling stations because I could not pronounce the word “Timiskaming” and had to find out how to say it properly.

18. I talked to many people all over Canada, over the three days in advance of the election, reading from the change of address script.

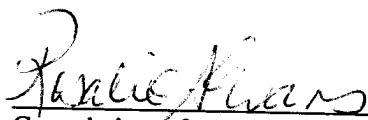
19. I believe before the election while I was making the Change of Address Calls, I got into my car after working at RMG, and turned on the radio. I heard on the radio that there were complaints about robocalls communicating incorrect information about polling station location changes and I thought to myself, “Those are not just robocalls. They are live calls.” I became very concerned that I was participating in something that involved giving voters wrong information. My internal radar went off. I wrote down what I could recall from the script I was asked to read about Change of Address Calls and I arranged for the information to go to the RCMP.

20. On the day of the election I recall our supervisors addressing the callers collectively to indicate that it was important to state that we were calling on behalf of the Conservative Party of

Canada. The calls were no longer about informing the listener about change of address for polling stations. However for the previous few days, the scripts I had followed in conveying change of polling station locations had included no information about the Conservative Party.

21. I subsequently also reported my concerns to Elections Canada.
22. I make this affidavit because as a citizen of Canada, I care about the integrity of the democratic process, and I want my witness information made available for consideration by the judge in these seven applications in Federal Court, and for no other or improper purpose.

SWORN BEFORE ME at the City of
Thunder Bay, in the Province of Ontario
on April 3, 2012.



Commissioner for Taking Affidavits



Annette Desgagne

ROSALIE A. EVANS